

## PRESIDENT JESSE AND GROUP OF WITNESSES IN BUTLER CASE.



President Jesse of the Missouri University visits some of the witnesses in the Butler case at their hotel. Reading from left to right the group consists of Doctor Starkloff, Doctor H. N. Chapman, President Jesse, Rolla Wells and H. R. Hodges.

## BUTLER GETS A CONTINUANCE; DEMURRER IS OVERRULED.

Judge Hockaday Found Against Every Point Raised by the Defense—He Granted a Continuance of the Case on the Plea That Essential Witnesses Were Absent—Attorneys for Accused Are Satisfied, While Mr. Folk Is Confident That State's Case Is Stronger Than Ever.

### MOTION OF PROSECUTION FOR A SPECIAL VENUE SUSTAINED.

Judge Hockaday overruled every point in Butler's demurrer. On the ground that important witnesses were absent a continuance of the case to November 10, at an adjourned term of court, was granted. Attorney Folk's motion for a special venue was approved. All legal points are now cleared and the next step will be trial.

BY A STAFF CORRESPONDENT.  
Columbia, Mo., Oct. 15.—In their affidavit applying for the continuance which was granted in the Butler case to-day, the defendant's attorneys disclosed what their defense will be when the trial is taken up at the new date set—November 10.

The absence of a principal witness, John R. McCarthy, a former driver for the St. Louis Sanitary Company, was given as the ground for asking additional time. The nature of his testimony and the reasons why it was vital were stated partially by the affidavit, and partially in the argument supporting the affidavit.

The State in the indictment undertakes to prove that Doctor H. N. Chapman was offered a bribe in his residence by Ed Butler at one of two interviews which took place before the garbage contract was let, October 2, 1901.

**Outline of Defense.**  
The defense will attempt to show that but two interviews took place, that both occurred after the date named, and that no offer of a bribe could have been made after the contract was insured to Butler's company.

Circuit Attorney Folk states in answer to this latter that, though it be proven that two visits were made to Chapman's house after the letting of the contract, he will nevertheless prove that two previous visits were made. He admits that if the defense proves that two visits and two only were made to Chapman's residence after the contract passed the Board of Health, his case falls. But he believes they will fail to prove this.

**Demurrer Overruled.**  
Up to date Mr. Folk has won the single point vital to his case, which has been raised. This is in connection with the demurrer to the indictment. This morning when court reconvened, after cases of lesser importance had been reset on the docket, Judge Hockaday announced that he was ready to give his opinion on the demurrer. The latter was thorough, taking up separately each of the six points raised by the defendant, and was considered an exceptionally good legal document by attorneys not in the case. Judge Hockaday overruled all of the six points brought forward, and ordered that the trial proceed.

Time was asked by the defendant in which to prepare an affidavit to an application for continuance to the next term. The formal proceeding was not again begun until about 2 o'clock in the afternoon, when the continuance was argued and ruled upon within an hour.

The fight resultant upon this second legal point of the trial—the continuance—may be considered to have been a drawn contest. The defendant asked for a continuance; un-

derstand, it was an impossibility for another to enter the lists against Butler.

"No other could have disposed of the garbage by the mere process. Hence the Board of Health had no option in the matter, and was compelled to accept Butler's bid. We will show all of this and that Butler knew these facts well, if not better, than anybody else."

**Folk Is Confident.**  
Circuit Attorney Folk, in talking over the trial, said: "I think that the State's case is ten times stronger now than the demurrer is overruled. The preliminary are now done away with, and the local points, which threatened us, are disposed of. It is now a question of the evidence."

"I am satisfied with the Judge's action on the continuance. The affidavit was clearly overruled on every point, and the continuance granted solely, according to the Judge's expression, on the desire to be absolutely fair to the defendant."

The costs of the continuance are all on Butler. These will amount to easily \$2,000. They include the hotel bills of State and defendant's witnesses while here, witness fees for attendance, and railroad fares. Butler's \$200,000, his remaining remuneration on the city garbage contract, is, however, safe.

Circuit Attorney Folk had anticipated the application for a continuance by several days and was ready with his grounds of opposition, and his line of authorities in support of them.

When he arose to argue against granting a continuance he stated that the evidence of McCarthy, as set forth in the affidavit, was not material. He said that, before granting a continuance for such a reason, it must be clearly shown that the absence of the witness would be material to the inquiry.

**Subpoena for McCarthy.**  
The affidavit shows that the subpoena for this mysterious McCarthy, said Mr. Folk, was issued on October 3. This was two months ago, and was set for October 15, first on the docket. The defendant had two long summer months in which to prepare for trial. Yet a subpoena for McCarthy was not issued until October 10. Does this indicate diligence? Waiting until October 27 this long delay in attempting to subpoena a witness so important as this man is alleged to be?

The immaterial value of McCarthy's testimony, Mr. Folk declared lay in that the affidavit did not say that McCarthy was actually present when the two interviews took place; but that McCarthy simply knew that only visits were made, and that he went with Butler to the door at the time the visits were made.

The Circuit Attorney declared that it was not enough to say simply that McCarthy knew that the number of visits was limited, but that it must explain how he knew the fact. If, as alleged, the two visits referred to by McCarthy were made subsequent to the letting of the contract, then certainly, argued Mr. Folk, his testimony would be immaterial as no offer to bribe could have been made at that time.

"Mr. Butler may have visited Chapman a hundred times after October 3, 1901," said Folk, "but we are concerned with two visits made prior to that date."

Judge Walker and N. T. Gentry defended the affidavit by pointing out that on October 1 of this year Judge Hockaday had written the clerk of this court that the Butler case would be first on the docket. They argued that this was the first official notice and that the issuance of the subpoena three days later showed diligence.

The material nature of McCarthy's evidence, the two defendant's attorneys maintained, was self-evident. If Butler had paid the member of the Board of Health, and the contract was let, obvious as Butler could not have under the law offered them a bribe to pass the contract.

**Hockaday's Ruling.**  
Judge Hockaday asked for the affidavit.

Continued on Page Two.

## IMMENSITY OF FAIR OUTLINED BY TAYLOR

Director of Works' Official Report Treats of Vast Showing in Construction Period.

### ABOUT 116 ACRES UNDER ROOF.

Nearly One Hundred Miles of Sewers, Water Pipes, Electric Conduits and Roadway Built.

FIGURES ON EXPOSITION.	
Total area of site.....	130 acres
Total exhibit space.....	116 acres
Fire system pipes.....	80 miles
Water pipes laid.....	45,000 feet
Sanitary sewers laid.....	40,000 feet
Daily sewer capacity.....	12,000,000 gallons
Water in lagoons.....	20,000,000 gallons
Earth moved.....	1,200,000 cubic yards
Electric conduits laid.....	51,000 feet
Storm water, wares.....	14,000 feet
Macadam roadways built.....	23,329 feet
Interurban railway.....	29 miles
Construction truck built.....	80 miles

The first comprehensive idea of the immensity of the World's Fair appears in the official report of Isaac S. Taylor, Director of Works, to the Board of Directors of the Exposition.

The vast work that has been accomplished and remains to be done is set forth in figures that run into the millions. As an incident of his statement, the Director places himself on record as predicting that the Exposition will surpass all former ones. He says that the total amount of ground covered at the Exposition will be 4,000,000 square feet, or 116 acres, exclusive of all courts and galleries in the various exhibit buildings.

"It may not be amiss," he comments, "to state that \$5,000,000 was appropriated for the construction of eight of the main buildings just enumerated. Now, after three years have been put under contract, there is a showing of some \$4,000,000 saved."

"Of the nine buildings forming the main picture of the Fair, seven are under construction, and one, the Manufacture building, has been recently let in contract. This leaves the Transportation building to be let. The drawings of which are now nearly completed and which I hope to have in the hands of the contractors before the first of November."

The Varied Industries is well advanced and I am informed by the contractors that they will have about finished before March 1, 1904. The contractors for the Textile report that they will finish that building January 1. I have a similar report from the contractors for the Electric building. The contract calls for the completion of the Art building before January 1, 1904, in ample time to permit of the difficult installation of the art treasures.

### IDEA OF VAST SIZES.

"The contractors for the Machinery building report that they expect to complete the superstructure of that building and have it inclosed by March, 1904. The Liberal Arts is another structure above the ground. The contractors for the Mines and Metallurgy building have closed a number of sub-contracts and have begun active operations. The specifications for the Manufacture building call for its completion by July 1, 1904. It will be observed that the statements of the contractors are correct so far as my personal inspection of the work goes."

"An inspection of the buildings as they stand will give some idea of the vast size and will also afford an opportunity to realize the grandeur and the architectural beauty. The designs for the two restaurant buildings that will be placed on the corner of the hills flanking the Art building are also being completed. The design for the peristyle or connecting screen between the restaurants and Festival Hall.

### SANTOS-DUMONT OFFERS TO CROSS THE OCEAN.

Proposes a Balloon Trip From Paris to San Francisco if Price of \$200,000 is Offered.

London, Oct. 15.—Ex-Mayor Phelan of San Francisco, who arrived in London to-day from the Continent, said to a representative of the Associated Press that M. Santos-Dumont, with whom Mr. Phelan dined yesterday evening, is about to make an offer to travel from Paris to San Francisco by airship.

"Santos-Dumont," said Mr. Phelan, "asks that a prize of \$200,000 be put up. This sum, however, will only be paid over in case the trip is successful. The airship will undergo a series of tests, and he is already at work building a new airship for this purpose."

"He seems entirely confident of achieving his object. He post-pones the difficulties of such a trip, and not only believes he has such a chance of completing this transatlantic journey, but also believes that there will be found a sufficient number of contributors to make up the purse that he asks as a reward."

"His earnestness and the apparent practicability of his plans greatly impressed me," concluded Mr. Phelan.

Continued on Page Two.

## GREAT COAL STRIKE DEFINITELY SETTLED BY MIDNIGHT CONFERENCE.

Secretary of War Root Announces at 1 O'Clock This Morning That a Common Ground Has Been Arrived at by a Conference at the White House—This Conference Lasts From Early in the Evening Until After Midnight—Sixth Member Added to the Commission as a Concession to the Strikers.

## PRESIDENT ROOSEVELT APPOINTS A COMMISSION OF SIX PERSONS.

Washington, Oct. 15.—The strike is settled. Secretary Root announced at 1 o'clock that a common ground of agreement had been reached. At 12:55 Secretary Cortelyou came from the conference room and announced that a statement on the coal situation would be given out in about half an hour. The conference was breaking up. The President has named a commission of six persons to settle the strike.

## THE COMMISSION.

Brigadier General John M. Wilson, U. S. A., Engineer.  
E. W. Parker, Washington, D. C., Chief Statistician of the Coal Department of the U. S. Geological Survey.  
George Gray of Wilmington, Del., United States Judge.  
E. E. Clark, Cedar Rapids, Ia., Grand Chief of Order of Railway Conductors, as Sociologist.  
Thomas H. Watkins, Scranton, Pa., familiar with mining and selling of coal.  
Bishop John L. Spalding, Peoria, Ill.  
Carroll D. Wright, Recorder.

Washington, Oct. 15.—President Roosevelt to-night took the final and last step in the settlement of the great coal strike by appointing a commission of six to inquire into, consider and pass upon all questions at issue between operators and miners and to fix a scale of wages and hours to stand for three years.

**Mitchell Approved Commission.**  
The commission is satisfactory to the operators. The list was submitted to President Mitchell of the United Mine Workers before he left the city to-day, and he expressed his pleasure with the selection.

He told the President that he would return to Wilkes-Barre, Pa., the matter before the various districts and recommend its acceptance. That the miners will vote its adoption is considered certain and coal mining, it is expected, will begin by Monday.

**Concessions to the Strikers.**  
A concession to the strikers is the appointment of the sixth member to the commission, Bishop John L. Spalding of Peoria, Ill., whose name, it is announced, in the official statement from the White House, was added to the commission by the President.

As a commission member sympathetic with labor, organization, one of the conditions which Mr. Mitchell did not insist upon, but suggested that the President appoint E. E. Clark of Cedar Rapids, Ia., grand chief of the Order of Railway Conductors. The Commissioner of Labor, Carroll D. Wright, whose connection with the commission has been a certainty from the very first, has been appointed its recorder.

**Carroll D. Wright's Selection.**  
It was the President's desire and intention to make Mr. Wright a member of the commission because of his qualifications as an eminent sociologist, but Colonel Wright, however, desired to participate in the proceedings of the board as arbitrator and the President appointed him recorder.

General John Wilson, appointed as a representative of the Engineer Corps of the army or navy, one of the stipulated requirements, is eminently pleasing to both sides. President Roosevelt overcame the objections of Secretary Root, who did not wish an army officer on the board, and insisted that General Wilson should serve.

E. W. Parker, as a mining engineer, was urged on the President by Dr. David T. Day of the Geological Survey.

**Appointment of Judge Gray.**  
The appointment of ex-Senator George Gray to fill the requirement as a Judge of the Eastern District of Pennsylvania, was expected. He is a man of wide legal and judicial experience.

Thomas H. Watkins, as a member familiar with the business of mining and selling coal, is a well-known and conservative business man of Scranton, Pa., for whom the operators and miners have the greatest respect.

**President's Impartiality.**  
The President kept in view the interests of both sides, and endeavoring above all things, to show no partiality whatever, has selected a commission absolutely fair and just. He has, in his efforts to close the strike, been aptly termed the "trustee of both sides."

There will be no hesitation among the strikers to accept this commission as an evidence of absolute good faith and earnestness on the part of the President is firmly believed in Washington.

It was a day and night of many changes and many rumors. The announcement of the names of the commission was not made until 12:30 this morning at the White House. For over an hour before that time all that was known definitely was that a commission of six had been named by the President.

This was simply an announcement of Secretary Cortelyou, after the final conference in the President's room had been concluded. Participants in Conference.

At this conference there were present Secretary of War Root, Commissioner of Labor Wright, Commissioner of Emigration Frank B. Sargent, Mr. George W. Perkins and Mr. Robert H. Bacon, business managers of a Pierpont Morgan.

Of these men only two were present at the important conference on Monday night, when the proposition of the operators was made to the President in the same room. The conference to-night lasted from 11:30 o'clock until 1 a. m. and it was until 1:15 that President Roosevelt, in spite of his injured leg, retired for the night.

Mr. Perkins and Mr. Bacon arrived in the city shortly after 6 o'clock, and went directly to the Arlington Hotel, but did not register. The hotel was crowded at the time with people attending a convention and the entrance of Mr. Perkins and Mr. Bacon was not noticed. They were shown to rooms. Not even the manager and attendants of the hotel knew who their guests were.

The first sign of a break-up of the conference was at 12:55, when Secretary Cortelyou came from the conference room and announced to the waiting newspaper men that

## RELIEF FROM COAL FAMINE TWO WEEKS AFTER RESOLUTION.

It is estimated by dealers that the general public will be relieved from the fuel famine within two weeks after the miners return to work. It is calculated that there would be a restoration of nearly normal conditions in the cost and supply of fuel for immediate consumption.

It is believed that prices for anthracite will not be greatly affected until the arrival of the first shipments, when the quotations will tumble, and continue to fall proportionately with the volume of receipts.

An official statement of the strike situation would be made public in about half an hour. Shortly after 1 o'clock Secretary Root came out, laughing and happy, and spread the glad tidings that a common ground of agreement between the operators and miners had been reached and that the strike was graciously ended. It was learned a few moments later that the chief feature of the agreement was the addition of a sixth member to the arbitration commission, surmise following as a matter of course that the additional member would be particularly a representative of labor.

It was said at the same time now that an agreement had been arrived at as to the means of determining the differences, that the President would insist on an immediate resumption of work at the mines and that he had reason to expect his advice would be followed very promptly.

**Messrs. Bacon and Perkins, partners in Mr. Pierpont Morgan's banking firm, were present at the conference as the representatives of the operators.** When the gathering broke up all present were in high humor and there was a general exchange of congratulations.

## PRESIDENT MITCHELL MAKES COMMENT.

REPUBLIC SPECIAL.  
Wilkes-Barre, Oct. 15.—President Mitchell, upon his arrival at 1:30 o'clock this morning, was informed that the President had appointed a commission of six to arbitrate the coal strike.

**HEAVY CORN DEALS BY ARMOUR**  
Drove Cadaby, Chief of Shorts in December Corn, to Cover.

Chicago, Ill., Oct. 15.—J. Ogden Armour to-day completed John Cadaby, chief of the shorts in December corn, to run to cover. James A. Patton, who had also covered, the estimated at 1,900,000 bushels, claimed the supremacy of Armour and declared:

"I have taken my medicine."  
Covering of 5,000,000 bushels of short corn was credited to John Cadaby as the result of the operations to-day and yesterday.

The long line of December corn credited to J. Ogden Armour was estimated at 10,000,000 bushels, on which the profit already averaged about five cents, with far more in sight.

Contract corn was reduced 500,000 bushels last week, leaving the total only 35,000 bushels. Instead of the total stock of nearly 12,000,000 bushels in all positions a year ago, the figures to-day are 27,000. Armour has all the cash corn and is buying whatever he can throughout the country.

Mr. Patton's loss is said to have averaged about one cent a bushel. The quotation on the December option made a gain of a full cent to-day, reaching 8 1/2c.

John W. Gates is also on the long side of the market, but not at the head of the procession. Armour's lead is not disputed.

## CLERK ACCIDENTALLY KILLED.

Pistol Discharged While Being Passed Over Counter.

REPUBLIC SPECIAL.  
Des Moines, Ill., Oct. 15.—William G. Perdue, aged 27 years, clerk at the Walston Hotel, was accidentally shot and killed to-night by Hamilton Sutherland, son of G. G. Sutherland, president of the Green River Asphalt Company of St. Louis.

Young Sutherland had been here looking after the company's work. He came into the hotel office and asked the clerk to call him in the morning, and handed him his revolver, a 28-caliber, across the office desk and asked the clerk to take care of it. In some way the revolver was accidentally discharged, and Perdue was instantly killed.

No other persons were in the office at the time. Sutherland is nearly distracted with grief. Perdue was from Champagn, Ill., and his mother lives there.

## STREET CAR CREW BLAMED.

Finding in Inquest Over Death of William Craig.

Pittsfield, Mass., Oct. 15.—The finding in the inquest following the accident in which President Roosevelt's bodyguard, William Craig, was killed here last September, died to-day, says that the unlawful acts of James T. Kelly, conductor, and Eudine Madden, motorman of the electric car which ran into

## LEADING TOPICS IN TO-DAY'S REPUBLIC

THE SUN RISES THIS MORNING AT 6:10 AND SETS THIS EVENING AT 5:13.

For Missouri, Illinois, Arkansas, East Texas and West Texas—Fair Thursday and Friday.

Page.

1. Butler Trial November 10.
2. Second Trial of Mollnux Progressing Rapidly.
3. Democratic Business Administration, Will Decide To-Day Personnel of Ticket. Railway Happenings.
4. Stock Payments Are Prompt. Investigate a Saloon Fight.
5. Total Eclipse of the Moon Visible To-Night.
6. Foundling Run Mile in Brilliant Style. The Republic Form Chart.
7. River News and Personal.
8. Editorial. Society Weddings.
9. Boers to Colonize in United States. East Side News.
10. Republic "Want" Advertisements. Birth, Marriage and Death Records. New Corporations.
11. Rooms for Rent Advertisements.
12. Summary of St. Louis Markets.
13. Stock Values Higher. Optimistic Feeling Persuades Stock Market. Trading Was Active in Chicago.
14. St. Louis Man Is President. Confesses to Chinn Murder. Reunion of Old Settlers at Sparta. River Front Land Involved. News of the City Churches. Grand Jurors in Courtroom. Everleigh's Wedding.